

# **U.S. DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT (DOJSA) WITH VIRGINIA AND IMPLICATIONS FOR FAIRFAX COUNTY**

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CSB Presentation to the  
Human Services Committee  
Fairfax County Board of Supervisors  
February 19, 2013

# Overview

- The DOJSA was finalized in June 2012 to address findings of non-compliance with the Civil Rights of Institutionalized Persons Act (CRIPA), the Americans with Disabilities Act (ADA), and the U.S. Supreme Court's Olmstead ruling
- Requires individuals with intellectual disability (ID) and developmental disabilities (DD) to be served in the most integrated settings appropriate to meet their needs, consistent with their choice
- Pursuant to this agreement, Virginia provided a plan to the General Assembly to cease operations at four of Virginia's five state residential training centers for people with ID
- The Virginia Department of Behavioral Health and Developmental Services (DBHDS) is responsible for the implementation plan, which has significant implications for community services boards

# Persons Who Benefit

- Individuals with ID and DD who meet any of these criteria:
  - Currently reside at any of the state's five residential training centers,
  - Meet the criteria for the Medicaid ID Waiver or DD Waiver wait lists, or
  - Currently reside in a nursing home or private intermediate care facility (ICF)

# DOJ SA Key Provisions

- Funding for ID and DD Waivers over ten years:
  - Minimum of 2,915 ID Waivers for people on Urgent Needs Wait Lists
  - Minimum of 450 DD Waivers for people on DD Waiver Wait List
  - 805 ID Waivers for training center residents to transition to community

# DOJSA Key Provisions (continued)

- Individual/Family Support Funds: Up to \$3,000 per year to 1,000 persons on waiting lists with most need for resources
- Systemic Therapeutic Assessment Respite and Treatment (START) Program: Regional mobile crisis stabilization teams and short-term facility respite
- Housing Assistance: \$800,000 to develop plan to increase independent housing options and to provide rental assistance for the same
- Integrated Employment First Policy and Strategic Planning Requirement
- Enhanced Case Management, Quality Oversight, and Risk Management

# Implications for Fairfax County Citizens

- In FY13, the CSB was allocated 39 ID waivers for people in Fairfax County waiting for services
- In FY14, the CSB anticipates 48 new ID waivers under the Governor's proposed budget; the General Assembly could increase this number to around 100
- The CSB estimates an additional 234 ID waivers, minimum, to be allocated between FY15 – FY20
- More individuals on ID Waiver wait lists will be offered Medicaid State Plan Option Targeted Case Management (TCM) while waiting
- Active discharge planning initiated for all 113 Fairfax County citizens remaining at state training centers. Six Fairfax persons have been transitioned to the community since July 1, 2012
- Some number of Fairfax citizens on the statewide DD Waiver wait list who are also eligible for CSB services will benefit

# Implications for CSB

- CSB will need to adjust staffing resources at an accelerated pace to ensure new ID waivers are assigned and activated within 90 days of allocation as required
- CSB is required to dedicate additional staff resources to comply with increased discharge planning requirements and training center closure schedules
- CSB will generate additional Medicaid reimbursement for ID Waiver and State Plan Option (SPO) Targeted Case Management (TCM) to fund additional case management staff positions as needed
- CSB must provide enhanced, or more intensive, targeted case management services to a significant number

## Enhanced Targeted Case Management (TCM) Effective March 6, 2013

- Enhanced TCM is required by DOJSA for persons who meet specific criteria for being at risk
- Enhanced TCM requires face-to-face visits and increased accountability and documentation on a monthly, rather than quarterly, basis
- Of 659 persons with ID Waivers now served by the CSB, 406 or 62% will require enhanced TCM
- Another 210 persons, 25% of the CSB's ID Waiver current wait, list may require TCM



| Training Center  | Statewide Census<br>02/15/2013 | Fairfax Census<br>02/15/2013 |
|--|--------------------------------|------------------------------|
| Southern Virginia<br>Training Center (SVTC)<br>Closure Date: 2014                | 166                            | 1                            |
| Northern Virginia<br>Training Center (NVTC)<br>Closure Date: 2015                | 146                            | 86                           |
| Southwestern Virginia<br>Training Center<br>(SWVTC)<br>Closure Date: 2018        | 167                            | 0                            |
| Central Virginia<br>Training Center (CVTC)<br>Closure Date: 2020                 | 314                            | 26                           |
| Southeastern Virginia<br>Training Center (SEVTC)<br>To remain open at 75<br>beds | 92                             | 0                            |
| Total Censuses   | 885                            | 113 (13%)                    |

# ID Waiver and Non Waiver Wait Lists

| ID Waiver Wait Lists       | Statewide ID Waiver Eligible 02/05/2013 | Fairfax ID Waiver Eligible 02/08/2013 | Fairfax Not ID Waiver Eligible 02/08/2013 |
|----------------------------|---|---------------------------------------|---|
| Urgent Needs Wait List     | 3752                                    | 523 (14%)                             | 108 (3%)                                  |
| Non-Urgent Needs Wait List | 2674                                    | 358 (13%)                             | 263 (10%)                                 |
| Planning List              | n/a                                     | 37                                    | n/a                                       |
| Total                      | 6426                                    | 918 (14%)                             | 371 (6%)                                  |

## Fairfax Number of Fairfax Citizens Currently Receiving CSB ID Support Coordination (Case Management)

|                                      |             |
|--------------------------------------|-------------|
| • ID Waiver TCM                      | 659         |
| • Day Support Waiver TCM             | 13          |
| • State Plan Option (SPO) TCM        | 170         |
| • Non-Medicaid TCM                   | 34          |
| • Transition (June 2013 Grads)       | 101         |
| • Training Center Discharge Planning | 113         |
| • Active CM/Monitoring               | <u>1289</u> |
| • Total                              | 2379        |

# CSB ID Services Trends

- Increased requests for CSB emergency case management and community services due to
  - Aging, poor health, or loss of family/primary caregiver(s)
  - Aging-out of child foster care and school contract placements
- Significant increase in numbers of children and adolescents on ID Waiver wait lists
- Increased requests for services for persons with multiple diagnoses, such as ID, mental illness, and/or autism spectrum disorders (ASD)
- Increased multi-cultural challenges and limited culturally competent clinical and service capacities
- Continued annual demand for adult services for students aging out of special education

# CSB ID Services Challenges

- Significant lack of existing housing and service capacity to meet training center closure timelines
- Significant number of families of training center residents who are resistant to community transitions
- Lack of identified state initiative or start-up funds to incentivize providers and grow capacity at the rate needed per DBHDS implementation plan
- Current inadequate Medicaid rates of reimbursement for many waiver services
- Having sufficient CSB staff resources to maintain feasible caseloads and ensure compliance with DOJSA

# CSB ID Services Opportunities

- DOJSA compels Virginia to increase funding for quality community-based services
- An assurance of a minimum number of ID and DD Waivers each year to address the wait lists
- Reform of Medicaid ID and DD Waivers and rates in FY14 and FY15
- Commitment by Virginia to finally close expensive, segregated institutions
- An established, capable, and quality private provider network in Northern Virginia

# Short-Term Recommendations

- Continue inter-agency and private sector collaboration activities to increase community capacity
  - Recent DCHD award of 3 homes to ID private providers, and possibility of 2 additional homes
  - 20 new project-based vouchers to ID private providers
  - State funding initiative to acquire 2 homes to serve CVTC residents
- Increase CSB staff outreach efforts to NVTC families
- Work with DAHS and COEX staffs to analyze increased Medicaid revenue to support additional case management positions as needed
- Review Implementation Plan additional requirements and deliverables and realign CSB staff assignments due to retirements, managed vacancies and competing priorities